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Case No. 3:21-CV-0324-MMD-CLB
ORDER GRANTING MOTION TO SEAL
[ECF No. 18]

If a party seeks to file a document under seal, there are two possible standards the party must address: the compelling reasons standard or the good cause standard. See *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016). The choice between the two standards depends on whether the documents proposed for sealing accompany a motion that is “more than tangentially related” to the merits of the case. *Id.* at 1099. If it is more than tangentially related, the compelling reasons standard

1 applies. If not, the good cause standard applies. *Ctr. for Auto Safety*, 809 F.3d at 1102.

2 Here, Defendants seek to file exhibits under seal in connection with their opposition
3 to motion for preliminary injunction, (ECF No. 18), which are “more than tangentially
4 related” to the merits of a case. Therefore, the compelling reasons standard applies.

5 Under the compelling reasons standard, “a court may seal records only when it
6 finds ‘a compelling reason and articulate[s] the factual basis for its ruling, without relying
7 on hypothesis or conjecture.’” *United States v. Carpenter*, 923 F.3d 1172, 1179 (9th Cir.
8 2019) (quoting *Ctr. for Auto Safety*, 809 F.3d at 1096-97) (alteration in original). Finding
9 a compelling reason is “best left to the sound discretion” of the court. *Ctr. for Auto Safety*,
10 809 F.3d at 1097 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 599 (1978)).

11 This Court, and others within the Ninth Circuit, have recognized that the need to
12 protect medical privacy qualifies as a “compelling reason” for sealing records, since
13 medical records contain sensitive and private information about a person’s health. See,
14 e.g., *Spahr v. Med. Dir. Ely State Prison*, No. 3:19-CV-0267-MMD-CLB, 2020 WL 137459,
15 at *2 (D. Nev. Jan. 10, 2020); *Sapp v. Ada Cnty. Med. Dep’t*, No. 1:15-CV-00594-BLW,
16 2018 WL 3613978, at *6 (D. Idaho July 27, 2018); *Karpenski v. Am. Gen. Life Companies*,
17 *LLC*, No. 2:12-CV-01569RSM, 2013 WL 5588312, at *1 (W.D. Wash. Oct. 9, 2013). While
18 a plaintiff discloses aspects of his medical condition at issue when he files an action
19 alleging deliberate indifference to a serious medical need under the Eighth Amendment,
20 that does not mean that all his medical records filed in connection with a motion (which
21 often contain unrelated medical information) must be broadcast to the public. In other
22 words, the plaintiff’s interest in keeping his sensitive health information confidential
23 outweighs the public’s need for direct access to the medical records.

24 Here, the referenced exhibits contain Pirtle’s sensitive health information, medical
25 history, and treatment records. Balancing the need for the public’s access to information
26 regarding Pirtle’s medical history, treatment, and condition against the need to maintain
27 the confidentiality of Pirtle’s medical records weighs in favor of sealing these exhibits.

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1 Therefore, Defendants' motion to seal, (ECF No. 18), is **GRANTED**.

2 **IT IS SO ORDERED.**

3 **DATED:** October 14, 2021

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5 **UNITED STATES MAGISTRATE JUDGE**